

HOUSE BILL No. 1683

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1-8-14.2.

Synopsis: Payments in lieu of taxes. Provides that for taxable years beginning after December 31, 2006, payments in lieu of taxes (PILOTS) collected by a political subdivision for property used to provide low income housing may be deposited in the political subdivision's: (1) affordable housing fund; or (2) general fund; at the discretion of the governing body of the political subdivision.

Effective: January 1, 2007 (retroactive).

Candelaria Reardon

January 26, 2007, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1683

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-1-8-14.2, AS AMENDED BY P.L.181-2006,
2 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2007 (RETROACTIVE)]: Sec. 14.2. (a) As used in this
4 section, the following terms have the meanings set forth in IC 6-1.1-1:
5 (1) Assessed value.
6 (2) Exemption.
7 (3) Owner.
8 (4) Person.
9 (5) Property taxation.
10 (6) Real property.
11 (7) Township assessor.
12 (b) As used in this section, "PILOTS" means payments in lieu of
13 taxes.
14 (c) As used in this section, "property owner" means the owner of
15 real property described in IC 6-1.1-10-16.7.
16 (d) Subject to the approval of a property owner, the governing body
17 of a political subdivision may adopt an ordinance to require the

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property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7, if the improvements that qualify the real property for an exemption were begun or acquired after December 31, 2001. The ordinance remains in full force and effect until repealed or modified by the governing body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount equal to the amount of property taxes that would have been levied by the governing body for the political subdivision upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The township assessors shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section **for taxable years beginning before January 1, 2007**, shall be deposited in the ~~unit's~~ **political subdivision's** affordable housing fund established under IC 5-20-5-15.5 and used for any purpose for which the affordable housing fund may be used. **PILOTS collected under this section for taxable years beginning after December 31, 2006, shall be deposited in the political subdivision's:**

(1) affordable housing fund established under IC 5-20-5-15.5 and used for any purpose for which the affordable housing fund may be used; or

(2) general fund and used for any general fund purpose; at the discretion of the governing body of the political subdivision.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(i) This section does not apply to a county that contains a consolidated city or to a political subdivision of the county.

SECTION 2. An emergency is declared for this act.

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